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C O N F I D E N T I A L SECTION 01 OF 02 BUENOS AIRES 000414

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SUBJECT: ARGENTINA DETAINS FALKLANDS ISLANDS FISHING VESSEL

REF: 05 BUENOS AIRES 1086

Classified By: Ambassador Lino Gutierrez, Reasons 1.4(b) and (d).

11. (C) SUMMARY: An Argentine Coast Guard vessel challenged and - for the first time - detained a fishing vessel from the Falklands Islands February 20. The Argentines claim that the boat was within Argentina's 200-mile Exclusive Economic Zone (EEZ), while the vessel's owners - one of whom is an influential Falklands Islands politician - maintain it was fishing on the high seas. (The boat, however, was well outside the 200-mile fishing zone claimed by the Falklands Islands government since 1990.) A British Embassy official told POLOFF that HMG is awaiting data from the ship to determine its precise location at the time it was stopped, but also said the GOA differs from other countries in how it calculates its precise EEZ limits. The official believes that the Argentine MFA so far has reacted cautiously to the incident, but that the UK views this detention as a test case as to whether the Kirchner government intends to harden its already tough stance on Falklands / Malvinas issues, including fishing rights and oil exploration. END SUMMARY.

12. (U) At 6:10 p.m. February 20, an Argentine Coast Guard ship challenged the F/V John Cheek, a fishing vessel registered in the Falklands Island. The vessel is owned by the Fortuna Fishing Company, on whose board sits Jan Cheek, an influential hard-line Falklands Islands politician. (The boat was named after Jan Cheek's late husband, also a well-known figure in the Islands.) Argentine authorities claim that the John Cheek, which they estimate had a catch of calamari and hake worth \$1 million, was two miles within the Argentine EEZ at the time it was challenged. The ship, which immediately complied with the Coast Guard order to stop and proceed to an Argentine port, was expected to arrive in the city of Comodoro Rivadavia mid-day on February 21. The ship and its cargo may be detained for several months but the 31 crewmembers (Spanish, Chilean and Peruvian) should be released on bond.

13. (U) Last year Argentine authorities detained 8 foreign fishing boats which it accused of fishing illegally in Argentine waters. In March 2004 the Argentine icebreaker Almirante Irizar entered the 200-mile radius Falklands Islands fishing zone to query foreign fishing boats, but did not detain any boats registered in the Falklands Islands. The March 2004 incursion was immediately protested by the UK government.

14. (C) Ian Duddy (please protect), an official at the British Embassy in Buenos Aires, told POLOFF that the UK views this as an important test case of Argentina's policy towards the Falklands / Malvinas Islands. For the moment, the UK is awaiting data from the ship to determine its precise location when it was challenged. British Embassy officials are not ruling out the possibility that the ship -as the owners claim - was in international waters when it was stopped by the Coast Guard. However Duddy also said that the Argentines use a slightly different method in calculating their EEZ, which may have generated confusion as to exactly which side of the EEZ limit the F/V John Cheek was located when it was challenged. (Duddy gave POLOFF a detailed list of Argentine EEZ coordinates prepared in 1997 by the UK Hydrographic Office).

15. (C) Duddy said HMG preferred course was to treat this a a low-profile error in navigation. According to Duddy, the UK's Ambassador to Argentina, in a previously-scheduled appointment February 21, would discuss the F/V John Cheek detention with Deputy Foreign Minister Roberto Garcia Moritan. Duddy said initial signs from the Argentine MFA were hopeful. They had sent an "informational diplomatic note" about the ship's detention rather than a protest note, and so far no senior Argentine officials have commented on the incident. More generally, Duddy said that the Argentines had refrained from protesting the recent visit by the British DCM to the Islands (as they usually do when Buenos Aires-based UK officials visit the Islands). Duddy hoped that these somewhat positive signs indicated an Argentine decision to ratchet down its confrontational rhetoric and actions regarding the Islands.

16. (C) For the moment the UK has a strong practical reason for wanting this incident to disappear from the front pages.

Duddy said that HMS Endurance, the Royal Navy's Antarctic patrol ship, was currently docked in Port Stanley with a broken rudder. UK authorities were hoping to quietly bring the ship into Buenos Aires for repairs, but realize that any escalation over the F/V John Cheek would make a port call by a British naval vessel highly unlikely.

17. (C) In an earlier conversation, Duddy told POLOFF that UK authorities are also closely monitoring the GOA's reaction to ongoing oil exploration in waters near the Falklands/Malvinas. He said that the exploration phase in some of the survey lots is over, and that extraction may begin as early as this year. Some of the companies involved in these operations have received letters from the GOA, threatening them with legal action if they continue operations in waters claimed by Argentina. Duddy speculated that eventually U.S. drilling companies could be involved in joint ventures and also subject to GOA pressure. (Extensive information on potential Falklands oil and gas reserves, including exploration history and production licenses, can be found at the Falklands Islands Government's website, www.falklands-oil.com. To date, we know of no U.S. companies that are involved in Falklands/Malvinas oil exploration.)

18. (C) COMMENT: The Kirchner government usually misses no chance to confront the British over Falklands/Malvinas sovereignty issues. In April 2005 it vigorously protested the listing of the Islands as a British dependency in the EU Constitution (ref. A). In last year's meeting of the UN Decolonization Committee then-Foreign Minister Rafael Bielsa took a very hard line, and Argentina continues to prohibit direct flights to the Islands from Argentine territory. The alleged incursion by the F/V John Cheek, named after and owned by two of the Islands' most hard-line politicians in recent years, presents an opportunity almost too good to pass up for the combative Nestor Kirchner. How he chooses to react may strongly affect Argentine-UK relations in the near term.

19. (U) Reftel available at <http://www.state.sgov/p/wha/buenosaires>.< /a>

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